

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MARK MCKINLEY,

*Plaintiff,*

v.

NICOLE ELEFONTE, et al.,

*Defendants.*

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**STIPULATION OF VOLUNTARY  
PARTIAL DISMISSAL PURSUANT  
TO FED. R. CIV. P. 41**

21-CV-0678 (TJM/CFH)

**WHEREAS**, on or about August 5, 2021, Plaintiff filed the First Amended Complaint (“FAC”), *see* dkt. 10; and

**WHEREAS**, the FAC brought claims under the First, Eighth, and Fourteenth Amendments to the Constitution pursuant to 42 U.S.C. §1983 against Defendant Nicole Elefante and others; and

**WHEREAS**, on or about September 2, 2021, pursuant to a stipulation between the parties, the Court dismissed the Fourteenth Amendment cause of action, *see* dkt. 16; and

**WHEREAS**, the parties agree that the action should not proceed as to Defendant Elefante,

**NOW, THEREFORE**, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the parties to this action stipulate to the dismissal with prejudice of the complaint against Defendant Elefante, without costs or fees to any party. The remaining Defendants are not affected by this stipulation.

Dated: August 3, 2022

Sivin, Miller, & Roche, LLP

/s/Edward Sivin  
Edward Sivin, Esq.

Dated: August 3, 2022

Letitia James  
Attorney General of the State of  
New York

/s/ Jonathan S. Reiner  
Jonathan S. Reiner, of counsel

Attorney for the Plaintiff  
20 Vesey St., Suite 1400  
New York, New York 10007

Assistant Attorney General, of counsel  
Attorney for the Defendants  
Litigation Bureau—Third Floor  
The Capitol  
Albany, New York 12224

**IT IS SO ORDERED:**

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Thomas J. McAvoy  
Senior U.S. District Judge

Dated: \_\_\_\_\_